



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 12-10-084 _____ ; or	<input type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Remove Steller Sea Lion from the State Endangered Species List, the species is currently listed as Threatened (WAC 232-12-011). Delisting criteria are described in WAC 232-12-297 Sec. 4.1 and 4.2. The agency is proposing delisting, in accordance with WAC 232-12-297 Sec. 6.1.1, based on a federal determination that the species should be removed from the Federal Endangered Species List since it is no longer in danger or failing, declining or vulnerable.

Hearing location(s): Natural Resources Building, Olympia, WA

Submit written comments to:

Name: Bill Tweit
Address: Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091
e-mail William.Tweit@dfw.wa.gov
fax (360)902-2158 by (date) November 1, 2012

Date: August 3-4, 2012 Time: _____

Assistance for persons with disabilities: Contact

_____ by _____

Date of intended adoption: November 3, 2012 _____

(Note: This is NOT the effective date)

TTY () _____ or () _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The National Marine Fisheries Service (NMFS) published a proposed rule on April 18, 2012 to remove the eastern Distinct Population Segment (DPS) of Stellers sea lions from the list of Threatened species under the federal Endangered Species Act (ESA). The eastern DPS includes all Stellers sea lions (SSL) in Washington state. In response to petitions from Washington, Oregon and Alaska, the NMFS reviewed the current status of the eastern DPS and determined that the species has recovered and no longer meets the definition of a Threatened species under the federal ESA. The draft NMFS status review is available at: <http://www.fakr.noaa.gov/protectedresources/stellers/edps/status.htm>.

Pursuant to WAC 232-12-297 Sec. 6.1.1. and 6.2, the Department is announcing that it intends to adopt the April 2012 NMFS draft status review as the preliminary species status report described in Sec. 7.1. The NMFS review considered all information relevant to the SSL status in Washington, as well as the rest of the species range on the Pacific coast and addressed factors affecting its status. It has been reviewed by members of the public and the scientific community, including WDFW scientists, through a public comment period extending from April 18 to June 18, 2012. The draft NMFS status review provides an analysis of the factors cited in Sec. 7.1.1 through 7.1.5. Interested parties are invited to submit new scientific data relevant to the status report, classification recommendation and SEPA findings to the Department by November 1, 2012.

Reasons supporting proposal:

Stellers Sea Lions were listed as Threatened under the State ESA in 1993, following a Federal listing in 1990. The Federal Recovery Plan was published in 2008; a separate State Recovery Plan has not been developed. The Department is proposing delisting of Stellers Sea Lions based on the scientific information contained in the Department's petition to the NMFS, submitted on August 30, 2010, and in the April 2012 draft NMFS status review. The petition and the status review provide evidence that Stellers Sea Lions in Washington are no longer in danger of failing or declining and are no longer vulnerable. Both the petition and the status review provide evidence that the recovery objectives in the 2008 Federal Recovery Plan have been achieved.

Statutory authority for adoption: RCW 77.12.047

Statute being implemented: WAC 232-12-011

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, CITATION:

77 FR 23209

CODE REVISER USE ONLY

DATE

NAME (type or print)

SIGNATURE

TITLE

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Bill Tweit	WDFW Directors Office	(360) 902-2723
Implementation....		()
Enforcement.....		()

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

Delisting Stellers Sea Lions will not have any economic impact or impose any costs on small businesses or any fiscal impact on school districts.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Delisting Stellers Sea Lions in Washington is consistent with Federal statute removing the eastern Distinct Population Segment of Stellers Sea Lions from the Federal Endangered Species List. This rule making action adopts without material change a Federal statute, as described in RCW 34.05.328 (5)(b)(iii).

